



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 4, 2003**

The Supreme Court has announced that no cases were accepted during the week of August 4, 2003.

### **STATUS**

#02-24 State Department of Health Serv. v. Superior Court, S103487. The court solicited supplemental briefing on the following issues: 1. Does the doctrine of avoidable consequences as recognized by California law (see Alberts v. County of Los Angeles (1965) 62 Cal.2d 250, 271; Green v. Smith (1968) 261 Cal.App.2d 392, 396; 6 Witkin, Summary of Cal. Law (9th ed. 1988) Torts, § 1382, p. 852)), and as referenced by the United States Supreme Court in Burlington Industries, Inc. v. Ellerth (1998) 524 U.S. 742, 764, and Faragher v. City of Boca Raton (1998) 524 U.S. 775, 805, apply in an action seeking damages under the California Fair Employment and Housing Act for hostile environment sexual harassment by a supervisor? 2. Assuming the avoidable consequences doctrine applies in this context, what is its effect?

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